IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 13249 of 2004

Between:

Mohammed Abdul Habeen, s/o Mohd.Abdul Subhan,
r/o Gopuram Street, Ranganayakulapet, Nellore.

..... PETITIONER

AND

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Nellore, Nellore District.
3 The Mandal Revenue Officer, Nellore Rural, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ order or direction, more particularly one in the nature of writ of mandamus, declaring the action of the respondents in dispossessing the petitioner from premises bearing S.No.26/2 admeasuring Ac.0.26 2/3 cents situated in Buja Buja Nellore Village, Nellore Rural Mandal, Nellore District, without any prior notice and also declare the action is high handed, illegal and arbitrary.

Counsel for the Petitioner:MRS.A.BALA BARATHI

Counsel for the Respondent No.: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER

This writ petition is filed for issuance of a Writ of Mandamus declaring the action of the respondents in dispossessing the petitioner from the premises bearing S.No.26/2, admeasuring Ac.0.26 2/3 cents of land situated in Bujabuja Nellore Village, Nellore District, without any prior notice, as illegal and arbitrary.

It is the case of the petitioner that he is the owner of Ac.0.26 2/3 cents of land in Sy.No.26/2 situated in Bujabuja Nellore village. It is his case that originally, the property belongs to one Abdul Khader, who was granted patta in his favour as per the proceedings of the District Collector, Nellore dated 15.12.1983, and he, in turn, sold the property to one P.Ramanaiah under registered sale deed dated 16.8.1988. The said Ramanaiah, in turn, sold the said property to Nadendla Venkata Rangaiah under registered sale deed dated 15.11.1993. Later on, the petitioner purchased the property from said Nadendla Venkata Rangaiah under a registered sale deed dated 25.08.1994. It is the further case of the petitioner that after the purchase, he approached the Gram Panchayat for sanction of building plan for operating a weigh bridge and on sanction of the plan by the Gram Panchayat on 31.3.1995, he completed the construction and the same was also assessed to property tax by the Gram Panchayat. It is his further case that nearly after nine years, all of a sudden, the respondent-authorities without issuing any prior notice, informed the petitioner that the property in question forms part of burial ground and as he encroached the same, he would be evicted. Questioning the same, the writ petition is filed.

Learned Government Pleader for Revenue, on instructions, submits that the property in question was originally an assigned land and is prohibited from alienation in view of the Act No. 9 of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977. He fairly submitted that it is only after following the due procedure, appropriate action will be taken for eviction of the persons, who are in occupation of the property in question,

in accordance with law.

In view of the above, unless the necessary procedure is followed by intimating the action proposed for violations, if any, the petitioner shall not be dispossessed from the property in question.

With the above observation, the writ petition is disposed of. No order as to costs.

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A. GOPAL REDDY. J.

06th October, 2004

tsr.

To

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Nellore, Nellore District.
3 The Mandal Revenue Officer, Nellore Rural, Nellore District.

4 Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad. (OUT).

5 Two CD copies.